

EXHIBIT 24

FILED UNDER SEAL

Preliminary Inquiry Report
Prepared by Dr. Yoel Rodríguez
Research Integrity Officer
Hostos Community College
July 17, 2020

(a) Name and position of the Respondent

1. Name: Sarah Hoiland
2. Address: Hostos Community College | 500 Grand Concourse, B-346, Bronx, NY 1045
3. Phone number: 718-518-6874
4. Email address: SHOILAND@hostos.cuny.edu
5. Does the Respondent have collaborators in this research?
☐ No ☐ Unknown ☒ Yes

(b) Description of each Allegation of Research Misconduct

1. Name: Esther Wilder (EW)
2. CUNY affiliation, if any: Lehman College of CUNY
3. Address: 250 Bedford Park Boulevard West, Bronx, NY 10468
4. Phone number: 718-960-1128
5. Email address: ESTHER.WILDER@lehman.cuny.edu
6. Nature of the Complainant's relationship to the Respondent: Both PIs of NSF Collaborative Research

Dr. Esther Wilder, Professor in the Department of Sociology at Lehman College of CUNY alleges that Dr. Sarah Hoiland, Assistant Professor in the Department of Behavioral and Social Sciences plagiarized her work and the work of Dr. Chrystal Rodríguez, Assistant Professor in Criminal Justice at Bronx Community College (BCC), in a PowerPoint presentation at the Community College on Learning and Assessment (CCLA) Conference in Orlando, FL, on February 17 – 19, 2019.

(c) Whether the Allegation is associated with sponsored research, and the related contract or grant number, if any

Dr. Wilder was Principle Investigator (PI) from Lehman College (NSF Award DUE - 1644975) and Dr. Hoiland was PI from Hostos Community College (NSF Award DUE - 1644948) of the NSF Collaborative Research entitled "Numeracy Infusion for College Educators" (NICE) where faculty from three CUNY colleges, Hostos, BCC and Lehman, participated in faculty development programs to learn about strategies for infusing quantitative reasoning into their teaching. This NSF grant ended on December 31, 2019 (estimated) as stated on the NSF website.

(d) A summary of the steps taken during the Inquiry

- On June 10, 2020, I, Dr. Yoel Rodríguez, Research Integrity Officer (RIO) at Hostos Community College, read Dr. Wilder's formal complaint against Dr. Hoiland, which was received by Mr. Eugene Sohn, Hostos' Executive Counsel, on April 7, 2020.¹ The formal complaint included multiple email exchanges and copies of the above-mentioned PowerPoint presentation.
- On Thursday, June 18, 2020, pursuant to *Section 6.2 of the CUNY Policy Regarding the Disposition of Allegations of Research Misconduct*, I discussed with Dr. Farida Lada, Associate University Provost for Research Administration & Compliance, my determination that an Inquiry was warranted and the scope of the Inquiry. We agreed that Dr. Wilder's complaint, the multiple email exchanges, and copy of the above-mentioned PowerPoint presentation was sufficient at this time to proceed. We also agreed that I would interview the complainant and the respondent as part of my Inquiry. My Inquiry would be about the above allegation described in *Section (b)*.
- On Tuesday, June 23, 2020, I informed the Respondent (Dr. Hoiland) and the Complainant (Dr. Wilder) that an Inquiry was warranted and that I wanted to set up a meeting with each of them separately.
- On Thursday, June 25, 2020 I conducted an interview with Dr. Wilder via Zoom.
- On Friday, June 26, 2020 I conducted an interview with Dr. Hoiland via Zoom.
- On Thursday, June 25, 2020 I sent an email to Dr. Félix Cardona, former RIO at Hostos who was involved in this case previously. Dr. Cardona has not responded to my request. I sent a follow-up email to Dr. Cardona on June 30 and, to date, I have not received a response from him. Notwithstanding his lack of response, I have determined that his interview is not necessary to come to my conclusions in *Section (g)*.
- On Monday, June 29, 2020 I conducted an interview with Dr. Alan Kruger, RIO at Lehman, via Zoom.

¹ Although the complaint was received on April 7, 2020, the College could not proceed with a determination for an inquiry because it was in need of designating a new Research Integrity Officer (RIO). On April 30, 2020, I was designated the College's RIO. However, I was unable to commence my review at that time due to my duties as a Professor, including teaching classes, administering final exams, and grading. In addition, I underwent RIO training and orientation conducted by the University. Upon completing the RIO orientation and the CITI Responsible Conduct of Research for Administrators training on June 9, 2020, I was allowed to begin my work as RIO. Then, I began my review of the complaint on June 10, 2020.

(e) A summary of the results of the Inquiry

Based on examination and review of the materials provided and the interviews of the Complainant, the Respondent and Dr. Kluger, I am inclined to conclude that the matter was more of an authorship dispute rather than one of plagiarism. While not an easy decision, I believe the dispute was due to miscommunication and naiveté by the Respondent, Dr. Hoiland. It seems there was no previous agreement on what to disseminate / publish as a result of the NSF grant. It is clear that Dr. Hoiland did not give written credit to both Dr. Esther Wilder and Dr. Crystal Rodríguez in her PowerPoint at the CCLA 2019 presentation. However, Dr. Hoiland reiterated to me and said to both Dr. Wilder and Dr. Rodríguez in writing that she gave enough oral credit during the presentation. Dr. Hoiland said that, during the presentation, she talked more about Dr. Wilder than the assessment topic itself. Based on Dr. Hoiland's description of her presentation, she spent significant time on "stereotype threat," which she believes was her unique contribution to the NSF grant. Dr. Hoiland also stated that "much of the discussion in the presentation was about how to recruit and keep faculty motivated in professional development." Dr. Hoiland said that the PowerPoint presentation is not indicative of the talk (oral presentation) she gave at CCLA 2019 and that the number of slides does not represent the totality of the time spent during the presentation. Both Dr. Esther Wilder and Dr. Crystal Rodríguez, are now included in the CCLA 2019 website as co-authors since September 2019 (see link below):

<https://conferences.valenciacollege.edu/learning-assessment/sessions/a4-assessing-numeracy-in-a-faculty-development-program/>

According to *Section 12.11 of the CUNY Policy Regarding the Disposition of Allegations of Research Misconduct*, Plagiarism means "the appropriation of another person's ideas, processes, results, or words without giving appropriate credit." I determined that although Dr. Hoiland did not provide written credit to Dr. Wilder and Dr. Rodríguez, she provided oral credit to them during her CCLA 2019 presentation. In addition, there has not been any written publication as a result of her presentation at CCLA 2019, or any other kind of written articles that should have included Dr. Wilder and Dr. Rodríguez as co-authors but did not give credit to them.

Furthermore, I looked into the American Sociological Association (ASA) Code of Ethics, and Plagiarism is defined as (copied verbatim from ASA Code of Ethics, on page 16):

"13. Plagiarism

Sociologists do not present others' work as their own, whether it is published, unpublished, or electronically available.

(a) In publications, presentations, teaching, practice, and service, sociologists explicitly identify, credit, and reference the author(s) when they take data or material verbatim from their own or another person's written work, whether it is published, unpublished, or electronically available.

(b) In their publications, presentations, teaching, practice, and service, sociologists provide acknowledgment of and reference to the use of their own and others' work, even if the work is paraphrased and not quoted verbatim."

The ASA Code of Ethics states that credit must be given to other's work. However, it does not state that it has to be given only in written format. Oral credit seems to be adequate as well.

As stated above, there has not been any written publication by Dr. Hoiland as a result of her presentation at CCLA 2019, or any other kind of written articles that should have included Dr. Wilder and Dr. Rodríguez as co-authors but did not give credit to them.

(f) The basis for concluding that the Allegation falls within the definition of Research Misconduct

Upon initial receipt and review of the complaint, I concluded that the allegations fell within the definition of Research Misconduct based on the formal complaint made by Dr. Esther Wilder. As stated above in *Section (b)*, Dr. Esther Wilder, Professor in the Department of Sociology at Lehman College of CUNY alleges that Dr. Sarah Hoiland, Assistant Professor in the Department of Behavioral and Social Sciences plagiarized her work and the work of Dr. Chrystal Rodríguez, Assistant Professor in Criminal Justice at Bronx Community College (BCC), in a PowerPoint presentation at the Community College on Learning and Assessment (CCLA) Conference in Orlando, FL, on February 17 – 19, 2019 without given enough credit. As a result an Inquiry following *Section 12.7* of the CUNY Policy Regarding the Disposition of Allegations of Research Misconduct was warranted.

(g) A recommendation to the President as to whether or not an Investigation is warranted

Based on my review of the materials provided and the interviews of the Complainant, Dr. Wilder, and the Respondent, Dr. Hoiland, I conclude that an **Investigation is not warranted**. While it was not an easy decision, I did not find sufficient evidence to support an investigation into plagiarism. Rather, I found this case to be more of an authorship dispute than plagiarism. It seems there was no previous agreement on what to disseminate / publish as a result of the NSF grant. Dr. Hoiland, when requested her CCLA 2019 PowerPoint presentation by Dr. Wilder, sent it exactly as it was presented at the conference. Dr. Hoiland did not hide what was presented. I believe that Dr. Hoiland was forthcoming in providing the requested information.

I would recommend asking Dr. Hoiland to sign a *Letter of Understanding* about 1) being mindful as she presents work of others/collaboration; 2) being aware of intellectual property to avoid attribution issues; 3) being aware of not using Dr. Wilder intellectual property, including the materials from the Data Analysis Research Experience (DARE) Program nor the work of the NICE program participants without their proper authorization (<https://serc.carleton.edu/NICHE/about.html>); 4) being aware of including correct citation as needed; 5) being aware of acknowledging all co-authors, collaborators, funding agencies in writing when presenting using, for example, PowerPoint presentation; 6) attending a CUNY RCR workshop; and 7) meeting with RIO at Hostos during the Fall 2020 semester to further discuss any RCR issue she might need to clarify.